

REMARKS

The present application includes 33 claims. Claims 1, 12, 26-28, and 31 have been amended as set forth above. It is respectfully submitted that the pending claims define allowable subject matter.

Claims 26 and 27 were rejected under 35 U.S.C. 101 as claiming the same invention as that of claims 16 and 17, respectively of United States Patent No. 6,612,081 (the “‘081 patent”). Claims 1-6, 12-16 and 19-25 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-15 of the ‘081 patent. Claims 12, 28 and 31 were objected to because of slight formalities. Claim 12 was rejected under 35 U.S.C. 112, second paragraph, as being indefinite. Claims 1, 5, and 6 were rejected under 35 U.S.C. 102(e) as being anticipated by United States Patent No. 6,265,662 (“Riedy”). Claims 7-11, 17 and 18 were objected to as being dependent upon a rejected base claim. The Applicants respectfully traverse these rejections for the reasons set forth below.

Turning first to the rejection of claims 26 and 27 under 35 U.S.C. 101, claims 26 and 27 have been amended as shown above so that they are no longer coextensive in scope with claims 16 and 17 of the ‘081 patent. Thus, the Applicants respectfully submit that claims 26 and 27 should be in condition for allowance.

The Applicants now turn to the rejection of claims 1-6, 12-16 and 19-25 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-15 of the ‘081 patent. The Applicants have filed a terminal disclaimer with respect to the ‘081 patent, and therefore, claims 1-6, 12-16 and 19-25 should be in condition for allowance.

Next, the Applicants turn to the objection of claims 12, 28 and 31. The Applicants have amended claims 12, 28 and 31 to correct minor typographical errors in order to overcome the objection.

With respect to the rejection of claim 12 under 35 U.S.C. 112, second paragraph, as being indefinite, the Applicants have amended claim 12 as set forth above. The Applicants respectfully submit that claim 12 should now be in condition for allowance.

The Applicants now turn to the rejection of claims 1, 5, and 6 under 35 U.S.C. 102(e) as being anticipated by Riedy. Riedy discloses a cover assembly 10 having a gasket 50 and a gasket 80. A floor plate 30 is positioned within a floor box 14 such that the floor plate directly abuts an edge surface 18 of the floor box 14. As shown, for example, in Figure 3, the gasket 50 is positioned within the floor plate 30, but does not directly abut the edge surface 18 of the floor. Riedy does not teach, nor suggest, a gasket that directly abuts the edge surface 18 of the floor box 14. Claim 1 of the present application has been amended to recite "a second seal member directly abutting the floor." Thus, the Applicants respectfully submit that claim 1 should be in condition for allowance.

The Applicants respectfully submit that all of the claims of the present application should be in condition for allowance. If the Examiner has any questions or the Applicants can be of any assistance, the Examiner is invited to contact the Applicants. The Commissioner is authorized to charge any additional fees or credit any overpayment to Account No. 13-0017.

Respectfully submitted,



Kirk A. Vander Leest
Registration No. 34,036
Joseph M. Butscher
Registration No. 48,326
Attorneys for Applicants

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MCANDREWS, HELD & MALLOY, LTD.
500 West Madison Street, 34th Floor
Chicago, Illinois 60661
Telephone: (312) 775-8000
Facsimile: (312) 775-8100